

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

OP.No. 6081 of 2003(Y)

PETITIONERS:

- 1. MALAPPURAM DISTRICT FARM WORKERS UNION
(I.N.T.U.C.), REPRESENTED BY N.HASSAN, SECRETARY,
DISTRICT AGRICULTURAL FARM, CHUNGATHARA P.O.,
MALAPPURAM DISTRICT**
- 2. KERAL STATE GOVERNMENT FARM WORKERS
UNION, (C.I.T.U), REPRESENTED BY K.SHOUKATHALI,
SECRETARY, MALAPPURAM DISTRICT FARM UNIT,
P.O.CHUNGATHARA, MALAPPURAM DISTRICT**

BY ADV. SRI.M.R.GOPALAKRISHNAN NAIR

RESPONDENTS:

- 1. THE STATE OF KERALA,REPRESENTED BY THE
SECRETARY, DEPARTMENT OF AGRICULTURE, SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. THE DIRECTOR OF AGRICULTURE,
DIRECTOR OF AGRICULTURE, VIKAS BHAVAN,
THIRUVANANTHAPURAM**
- 3. THE SUPERINTENDENT, DISTRICT
AGRICULTURE FARM, CHUNGATHARA P.O.,
MALAPPURAM DISTRICT**

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

KURIAN JOSEPH, J.

O.P. NO. 6081 OF 2003

Dated this the 11th day of December, 2006

J U D G M E N T

The writ petition is filed mainly with the following prayer:-

“(i) To issue a writ of certiorari or other appropriate writ, order or direction calling for the records leading to the issue of Exhibits P1 and P2 and to quash the same to the extent of recovery of enhanced House Rent Allowance for the period from 1.3.1997 to 31.10.1998.”

2. It is seen from the counter affidavit that the workers had given in writing that in case the allowance disbursed to them was found later as excessive, the same could be recovered from their pay. Therefore, there is no justification in resisting the recovery once it is found that the payment was wrongly made, in excess of the eligible rate. It is made clear that the recovery will be made in affordable instalments in the case of workers who are still in service, and from others from the pensionary benefits in lump. The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE

vps

KURIAN JOSEPH, JUDGE

OP NO.6081/03

JUDGMENT

11th DECEMBER, 2006